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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING  
TCD FINANCIAL CORP. TO  
PRODUCE ONE OR MORE  
REPRESENTATIVES FOR  
EXAMINATION PURSUANT TO  
FEDERAL RULE OF  
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring TCD Financial Corp. ("TCD") to produce one or more representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy Procedure 9016, to appear for

1 examination at the office of Esquire Deposition Services, 1 East Liberty Street, 6<sup>th</sup> Floor,  
 2 Reno, Nevada 89504, on a business day no earlier than ten (10) business days after the  
 3 filing of this Motion and no later than June 30, 2007, or at such other mutually agreeable  
 4 location, date, and time, and continuing from day to day thereafter until completed.  
 5

6 This Motion is further explained in the following Memorandum.

### 7 **Memorandum**

8 The Movant seeks information concerning various transactions between TCD and  
 9 USACM, the other debtors in the above-captioned cases (together with USACM, the  
 10 “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related entities.  
 11 The Movant seeks this information to assist in the collection of the assets and the  
 12 investigation of the liabilities of the Debtors.  
 13

14 The requested discovery from TCD is well within the scope of examination  
 15 permitted under Bankruptcy Rule 2004, which includes:  
 16

17 [t]he acts, conduct, or property or . . . the liabilities and financial condition  
 18 of the debtor, or . . . any matter which may affect the administration of the  
 19 debtor’s estate, or to the debtor’s right to a discharge. In a . . .  
 20 reorganization case under chapter 11 of the Code, . . . the examination may  
 21 also relate to the operation of any business and the desirability of its  
 22 continuance, the source of any money or property acquired or to be acquired  
 23 by the debtor for purposes of consummating a plan and the consideration  
 24 given or offered therefore, and any other matter relevant to the case or to the  
 25 formulation of a plan.<sup>1</sup>

### 26 **Conclusion**

Accordingly, the Movant requests that this Court enter the form of order submitted  
 with this Motion.

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<sup>1</sup> FED.R. BANKR. P. 2004(b).

1 Dated: May 9, 2007.

2 **DIAMOND MCCARTHY LLP**

3 **LEWIS AND ROCA LLP**

4 By: /s/ Eric D. Madden  
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10 *Special Litigation Counsel for*  
11 *USACM Liquidating Trust*

*Counsel for USACM Liquidating Trust*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion has been served on May 9, 2007, by electronic transmission and by United States Mail, first class, postage prepaid and properly addressed to counsel for TCD Financial Corp. at the following address:

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/s/ Eric D. Madden  
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